

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

~~*AMENDED~~ CRIMINAL MINUTES – GENERAL

‘O’

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|------------------------|--|--------------------------------|-----------------|
| Case No. | 2:13-cr-00817-CAS-3 | Date | *April 20, 2017 |
| Present: The Honorable | CHRISTINA A. SNYDER | | |
| Interpreter | N/A | | |
| CATHERINE JEANG | PHYLLIS PRESTON | KATHERINE RYKKEN | |
| <i>Deputy Clerk</i> | <i>Court Reporter/Recorder, Tape No.</i> | <i>Assistant U.S. Attorney</i> | |

| <u>U.S.A. v. Defendant(s):</u> | <u>Present</u> | <u>Cust</u> | <u>Bond</u> | <u>Attorneys for Defendants:</u> | <u>Present</u> | <u>App.</u> | <u>Ret.</u> |
|--------------------------------|----------------|-------------|-------------|--------------------------------------|----------------|-------------|-------------|
| 3) Luis Vega | X | X | | 3) Mark Windsor | X | X | |

Proceedings: DEFENDANT LUIS VEGA’S RENEWED MOTION TO SEVER (Dkt. 193, filed April 17, 2017)

On November 19, 2013, a federal grand jury returned a seven-count indictment against Jose Avelar, a.k.a. “Chema”; Mario Rene Morales, a.k.a. “Plucky”; and Luis Vega, a.k.a. “Lil One.” Dkt. 1. The Indictment separately charges (a) Avelar in Count 1 with distribution of methamphetamine on November 20, 2008; Morales in Counts 3, 5, and 7 with distribution of methamphetamine on February 18, 2010, July 28, 2011, and September 22, 2011, respectively; and Vega in Counts 2 and 4 with distribution of methamphetamine on November 11, 2009, and March 18, 2010, respectively. *Id.* Defendants Avelar, Morales, and Vega, “each aiding and abetting the other,” are charged jointly in Count 6 with distribution of approximately 131.5 grams of methamphetamine on August 9, 2011. *Id.*

On May 16, 2016, the Court denied without prejudice Vega’s motion to sever defendants. Dkt. 177. The Court concluded at that time that the risk that Vega would be prejudiced by “spillover” evidence against Morales could be cured by proper jury instructions. *Id.* at 3–4. In addition, the Court found that Vega’s speedy trial rights would not be prejudiced because Vega was already detained and awaiting trial in a related and older case, United States v. Rodriguez Landa et al., 2:13-cr-484-CAS. *Id.* at 4. A jury trial in that related case is now set to begin on September 12, 2017.

On April 17, 2017, the government and Morales filed a stipulation to continue the trial date in the instant action from May 30, 2017 to October 3, 2017. Dkt. 192. On the same day, Vega filed an opposition and requested that the Court either deny the requested continuance or sever defendants. Dkt. 193.

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The Court declines to reconsider Vega’s renewed request to sever for the reasons set forth in the Court’s May 16, 2016 order.

The Court directs the government to prepare findings and a proposed order regarding excludable time under the Speedy Trial Act and the setting of new trial dates.

IT IS SO ORDERED.

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| Initials of Deputy Clerk | CMJ | | |